

EXHIBIT A

REFERENCE TITLE: nutritional information; chain restaurants

State of Arizona
Senate
Forty-eighth Legislature
First Regular Session
2007

SB 1436

Introduced by
Senator Aguirre; Representatives Bradley, Gallardo, Pancrazi; Senators Aboud, Burton
Cahill, Cheuvront, Hale, McCune Davis, Miranda, Pesquiera, Rios, Soltero;
Representatives Lopes, Ulmer

AN ACT

AMENDING TITLE 36, CHAPTER 8, ARIZONA REVISED STATUTES, BY
ADDING ARTICLE 2; RELATING TO CHAIN RESTAURANT NUTRITIONAL
INFORMATION.

Be it enacted by the Legislature of the State of Arizona:

Section 1. Title 36, chapter 8, Arizona Revised Statutes, is amended by adding article 2, to read:

ARTICLE 2. CHAIN RESTAURANT NUTRITIONAL INFORMATION 36-931. Chain restaurants; nutritional information; civil penalties; definition

A. A CHAIN RESTAURANT OR FOOD ESTABLISHMENT MUST LIST ADJACENT TO EACH FOOD OR BEVERAGE ITEM ON THE STANDARD PRINTED MENU, IN A CLEAR AND CONSPICUOUS MANNER, THE TOTAL NUMBER OF THE FOLLOWING PER SERVING, AS USUALLY PREPARED AND OFFERED FOR SALE:

1. CALORIES.
2. GRAMS OF SATURATED FAT.
3. GRAMS OF TRANS FAT.
4. GRAMS OF CARBOHYDRATES.
5. MILLIGRAMS OF SODIUM.

B. FOR FOOD OR BEVERAGES OFFERED FOR SALE IN A CHAIN RESTAURANT OR FOOD ESTABLISHMENT THAT USES ONLY MENU BOARDS OR SIMILAR SIGNS, THE CHAIN RESTAURANT OR FOOD ESTABLISHMENT MAY PROVIDE THE INFORMATION REQUIRED PURSUANT TO SUBSECTION A BY THE TOTAL NUMBER OF CALORIES PER SERVING PER ITEM AS USUALLY PREPARED AND OFFERED FOR SALE AND SHALL LIST THIS INFORMATION ADJACENT TO EACH FOOD OR BEVERAGE ITEM ON THE STANDARD MENU BOARD OR SIGN. THE CHAIN RESTAURANT OR FOOD

ESTABLISHMENT MUST PROVIDE INFORMATION ABOUT GRAMS OF SATURATED AND TRANS FAT, GRAMS OF CARBOHYDRATES AND MILLIGRAMS OF SODIUM TO CUSTOMERS ON REQUEST.

C. FOOD OR BEVERAGE ITEMS SHALL BE ANALYZED BY THE FRANCHISORS OR CORPORATE OWNERS OF THE CHAIN RESTAURANT OR FOOD ESTABLISHMENT FOR CALORIE, SATURATED FAT, TRANS FAT, CARBOHYDRATE AND SODIUM CONTENT USING METHODS APPROVED BY THE DEPARTMENT OF HEALTH SERVICES. THE FRANCHISORS OR CORPORATE OWNERS MUST PROVIDE THIS INFORMATION TO THEIR INDIVIDUAL CHAIN RESTAURANTS AND FOOD ESTABLISHMENTS FOR LISTING ON MENUS OR MENU BOARDS OR SIGNS. THE NUTRIENT CONTENT VALUES LISTED ON THE MENU OR MENU BOARD MUST BE WITHIN TWENTY PER CENT OF THE VALUES OF REPRESENTATIVE ITEMS AS USUALLY PREPARED AND OFFERED FOR SALE. FRANCHISORS OR CORPORATE OWNERS MUST PROVIDE TO THE DEPARTMENT, IF REQUESTED, INFORMATION DOCUMENTING THE ACCURACY OF THE NUTRIENT CONTENT VALUES. IF A FOOD OR BEVERAGE ITEM IS OFFERED IN MORE THAN ONE SIZE OR AMOUNT ON THE MENU OR MENU BOARD OR SIGN, THE CHAIN RESTAURANT OR FOOD ESTABLISHMENT MAY PROVIDE THE REQUIRED NUTRIENT INFORMATION FOR THE MEDIUM SIZE, IF OFFERED, OR THE RANGE OF NUTRIENT CONTENTS FOR ALL THE SIZES INSTEAD OF EACH SIZE INDIVIDUALLY. THIS SUBSECTION DOES NOT PROHIBIT ANY RESTAURANT OR FOOD ESTABLISHMENT FROM PROVIDING ADDITIONAL NUTRITIONAL INFORMATION FOR FOOD OR BEVERAGE ITEMS.

D. TO DETERMINE COMPLIANCE WITH THIS SECTION, DEPARTMENT INSPECTORS MUST DETERMINE ONLY THAT THE NUTRIENT INFORMATION REQUIRED PURSUANT TO THIS SECTION IS LISTED ON THE MENU OR MENU BOARD OR SIGN AND THAT ANY ADDITIONAL REQUIRED INFORMATION IS AVAILABLE FOR AND PROVIDED TO CUSTOMERS ON REQUEST. DEPARTMENT INSPECTORS ARE NOT REQUIRED TO VERIFY THE ACCURACY OF THE LISTING BUT THE DIRECTOR MAY REQUEST THAT FRANCHISORS OR CORPORATE OWNERS OF A CHAIN RESTAURANT OR FOOD ESTABLISHMENT PROVIDE DOCUMENTATION OF THE ACCURACY OF THE INFORMATION PROVIDED.

E. AN INDIVIDUAL CHAIN RESTAURANT OR FOOD ESTABLISHMENT THAT DOES NOT LIST THE INFORMATION ON ITS MENU OR MENU BOARD OR SIGN OR THAT FAILS TO PROVIDE THE ADDITIONAL INFORMATION ON REQUEST AS REQUIRED PURSUANT TO SUBSECTION C IS SUBJECT TO A CIVIL PENALTY AS PRESCRIBED BY THE DEPARTMENT BY RULE.

F. A FRANCHISOR OR CORPORATE OWNER OF A CHAIN RESTAURANT OR FOOD ESTABLISHMENT THAT DOES NOT PROVIDE TO THE DEPARTMENT SATISFACTORY DOCUMENTATION OF THE ACCURACY OF THE LISTED INFORMATION REQUIRED PURSUANT TO THIS SECTION OR PROVIDE THE REQUIRED INFORMATION FOR THAT LISTED INFORMATION TO ITS CHAIN RESTAURANTS OR FOOD ESTABLISHMENTS IS SUBJECT TO A CIVIL PENALTY AS PRESCRIBED BY THE DEPARTMENT BY RULE.

G. FOR THE PURPOSES OF THIS SECTION, "CHAIN RESTAURANT OR FOOD ESTABLISHMENT" MEANS A RESTAURANT OR FOOD ESTABLISHMENT IN THIS STATE THAT IS ONE OF AT LEAST TEN SUCH RESTAURANTS OR ESTABLISHMENTS IN THE UNITED STATES AND ONE OF AT LEAST FIVE SUCH RESTAURANTS OR ESTABLISHMENTS IN THIS STATE DOING BUSINESS UNDER THE SAME TRADE NAME AND OFFERING PREDOMINANTLY THE SAME MEALS OR FOOD AND MENUS OR MENU BOARDS.